

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Rodney Shelton Kelley,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 0:22-cv-86-BHH
v.	)	
	)	
Lexington County; Lexington County	)	<b><u>ORDER</u></b>
Detention Center; Lt. Felder;	)	
Sgt. Keyes,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court upon Plaintiff's pro se complaint filed pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), the matter was referred to a United States Magistrate Judge for preliminary determinations. On February 4, 2022, Magistrate Judge Paige J. Gossett issued a Report and Recommendation ("Report") outlining the issues and recommending that the Court dismiss Defendants Lexington County and Lexington County Detention Center without prejudice and without issuance of process. Attached to the Magistrate Judge's Report was a notice advising Plaintiff of his right to file written objections to the Report within fourteen days of being served with a copy. On February 18, 2022, Plaintiff filed objections indicating that he agrees that both Lexington County and Lexington County Detention Center should be dismissed from this action.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to

which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Here, after review, and noting that Plaintiff agrees that Defendants Lexington County and Lexington County Detention Center are subject to dismissal, the Court finds no clear error and agrees with the Magistrate Judge's findings and analysis. Accordingly, the Court adopts the Magistrate Judge's Report (ECF No. 9) and incorporates it herein; and the Court dismissed Defendants Lexington County and Lexington County Detention Center without prejudice and without issuance and service of process, for the specific reasons set forth by the Magistrate Judge in her Report.

**IT IS SO ORDERED.**

/s/Bruce H. Hendricks  
The Honorable Bruce Howe Hendricks  
United States District Judge

July 19, 2022  
Charleston, South Carolina